

NEVADA SUPREME COURT



**ACCESS TO JUSTICE
COMMISSION**
LEGAL ASSISTANCE FOR NEVADA

Civil Legal Aid in NV



New Commission Member Orientation

Justice James Hardesty
Co-Chair

Brad Lewis
Director

Justice Kristina Pickering
Co-Chair

Nevada Supreme Court
Access to Justice Commission

An American Promise



Equal Justice Under Law



And a Question



Who is more likely to win in court:

- A.) A person who represents themselves?
- B.) A person who is represented by a lawyer?



What is the Access to Justice Commission?



Mission

- The Access to Justice Commission works with Nevada's legal aid providers to improve access to civil justice for people of limited means in Nevada
- What we do
 - Assess needs
 - Develop policies
 - Improve self-help and pro bono
 - Increase awareness
 - Pursue funding
 - Recommend rules and legislation

Nevada's Five Core Legal Aid Providers



A 501(c)(3) non-profit organization.

Who are our clients?



- Nearly 1 million (990,000) Nevadans are eligible for legal aid (based on 200% of the federal poverty level).



What is the Poverty Landscape in Nevada?

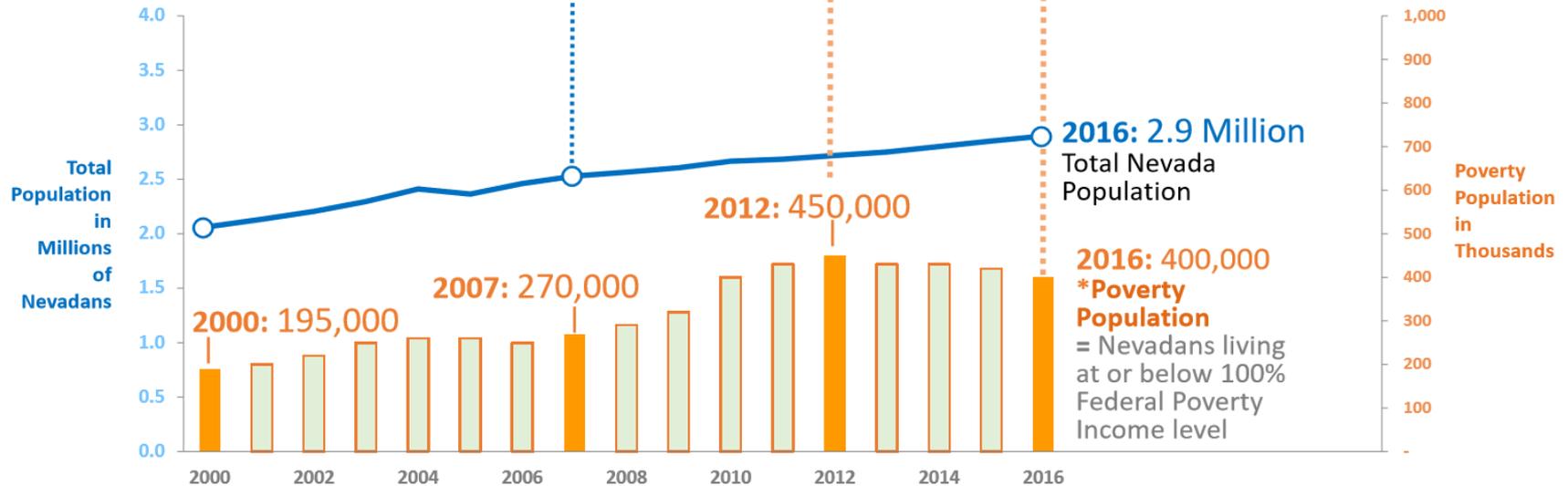


Population Trends: *Poverty soared during the Great Recession... and then persisted after*

2007-2011:
Total Nevada Population
 grew steadily through the Great Recession of 2007-11

2012:
Poverty Population*
 peaked at **67%** above 2007

2016:
Poverty persisted
 remaining at **48%** above 2007



Who are our clients?



- Vulnerable populations served

- People with disabilities
- Seniors 60+
- Children
- Homeless
- Domestic violence
and sexual assault victims



Who are our clients?



- Populations served
 - Veterans and military families
 - Families with children
 - Native Americans
 - Immigrants
 - Inmates
 - Victims of Violence
 - Persons living with HIV/AIDS



What do we do?



- Provide legal representation to those with limited means*
 - Legal advice
 - Brief or limited legal services
 - Negotiation
 - Litigation
 - Appeals
 - Advocacy targeted to systemic issues for our clients

*Nevada ranks 29th out of 50 states in poverty.



What do we do?



- Offer other services
 - Community education, clinics and “Ask-A-Lawyer” events
 - Volunteer (pro bono) attorney recruitment, training, mentoring, and management
 - Public policy advocacy
 - Investigation and monitoring
 - Communications



How do clients apply for services?



- Office walk-ins
- Self-Help Centers
- Online applications
- By phone
- By mail
- Referrals



Who gets help? And the “Justice Gap”



- Need: Each year 147,000 legal problems are experienced each year by low income Nevadans
- Capacity: In 2016, 35,000 cases were closed by Nevada’s five core legal aid providers.
- The “Justice Gap”: 112,000
- 76% of all legal needs go unmet.



What types of cases do we handle?



- Income & Employment
- Health
- Consumer
- Family, Juvenile & Education
- Housing
- Immigration
- And more...



Who provides the services?



Nevada's Five Core Legal Aid Providers

- 214 staff located across Nevada including:
 - 84 lawyers
 - 28 paralegals
 - 102 other staff
- 1 legal aid attorney for every **6,000** eligible clients
- How does this compare to attorneys available for a fee?
 - 1 private attorney for every **400** people

What challenges does legal aid face?



- Low salaries/recruitment/competitive market
- High case loads
- Limited litigation budgets
- Lean support staff
- Fundraising
- Funding restrictions
- Reporting requirements by funders
- Clients' personal limitations

How many clients do we represent annually?



- Closed 35,000+ cases in 2016
- Touch thousands of additional clients each year through legal clinics, Ask-A-Lawyer, events, and more

How are we funded?



- Filing fees
- Federal, state, and local governments
- IOLTA
- Private and public including bar organizations
- Individual donations
- Events
- Dues Check-Off
- Other



Who benefits from legal aid?



- Clients and their families
- Judges and Courts in all counties
- All communities across Nevada
- Anyone needing a court remedy
by speeding proceedings
and avoiding delays caused
by un-represented clients



What are the economic benefits of legal aid?



- \$24.8 million in new federal benefits, including food stamps, SSI, disability and federal tax refunds
- \$8.3 million in Medicare and Medicaid reimbursements
- \$4.6 million in veterans benefits.
- \$2.2 million in child support



What are the economic benefits of legal aid?



The Bottom Line

2016 Estimated Impact of Legal Aid in Nevada: **\$128 Million**

A **\$7** return for every **\$1** in funding

Legal Aid Funding

Program Funding
from All Sources

**\$18
Million**



Economic Impact

Impacts &
Cost Savings

**\$128
Million**



Challenges clients face to get a legal aid lawyer



- Knowledge – identification of legal problem and where to go for assistance
- Personal limitations
- Geography
- Eligibility for services
- Case type
- Staffing



Benefits of Legal Aid



Impacts of **NOT** Addressing Needs in **Income and Employment**

WITHOUT Legal Help, People...

- ✓ Are unaware of legal rights
- ✓ Have difficulty navigating the complex appeal process
- ✓ Usually give up or lose
- ✓ Continue in poverty

WITH Legal Help, People Can...

- ✓ Exercise legal rights
- ✓ File a timely legal appeal
- ✓ Win their appeal (80% success)
- ✓ Get an income stream averaging
\$830/mo. for 11 years...
\$109,000 total

Example:
Denial of Disability Benefits



Benefits of Legal Aid



Impacts of **NOT** Addressing Needs in Family

WITHOUT Legal Help, People...

- Continue in abusive situations
 - ✓ Miss work
 - ✓ Lose their jobs and income
 - ✓ Can't pay rent and lose their homes
 - ✓ Have children's schooling disrupted
 - ✓ Struggle with addiction
- Are unaware of programs that could help

WITH Legal Help, People Can...

- Get independence from abuser
 - ✓ Order of Protection
 - ✓ Custody of children
 - ✓ Child support
 - ✓ Divorce
 - ✓ Show up at work and school
- Get referrals to housing, employment, education and other support programs

Example: Domestic Abuse



Benefits of Legal Aid



Impacts of NOT Addressing Needs in Housing

WITHOUT Legal Help, People...

- ✓ Miss work and schooling
- ✓ Usually lose by default
- ✓ Are unaware of programs that could help
- ✓ Have children's schooling disrupted
- ✓ Wind up couch-surfing or in shelters

WITH Legal Help, People Can...

- ✓ Get time to seek alternative housing
- ✓ Stay at work
- ✓ Access emergency assistance programs
- ✓ Keep children in their own school
- ✓ Avoid homelessness

Example: Eviction Notice



Your Role as a Commission Member



- Attend Meetings 3x/Year
- Participate on a Committee(s), as agreed
- Dedicate a Reasonable Amount of Time
- Act as an Advocate
- Stay Informed

Thank You and Questions



Thank You



Only if Time...



- Story on next slides 29-35

Meet Nancy



- Single mother with daughter
- Worked as a customer service representative
- Suffered a stroke and slipped into a coma
- Hospitalized and in a coma for 3 days
- Fired from her job for missing 3 days of work without calling to report an absence
- Asked employer for job back but employer said “no”
- Cannot pay rent, food, utilities, gas for her car, etc.
- Filed for unemployment benefits
- Denied unemployment benefits

What does Nancy do?



Nancy needs a lawyer to handle this complex legal matter. How does she find one?

The first hurdle: knowledge

Decision denying benefits includes a pamphlet with information about legal services

- Nancy calls toll-free number on pamphlet

What does Nancy do?



The second hurdle: Personal Limitations

- No transportation
 - Difficulty remembering details after stroke
 - Doesn't know how to appeal denial and the 10-day deadline to do so
 - Providing copies of her unemployment paperwork to lawyer
- Nancy talks to legal aid lawyer; legal aid lawyer sends her follow up letter and envelope with address and postage to send paperwork

Does Nancy qualify for services?



Next hurdle: Eligibility for services

- Does she meet income and asset eligibility?
 - Does the household income including wages and child support exceed \$19,913 pre tax (125% of poverty guidelines for two-person household)?
- Good news! Nancy qualifies to receive services.

Is Nancy's case one that legal aid will handle?



Next hurdle: Case type

- Legal aid providers handle different types of cases.
 - Has Nancy contacted a legal aid provider that will handle her particular case type?
- Yes, her local legal aid office handles this type of case.

Will Nancy get a lawyer?



Final hurdle: Staffing limitations

- Does her local legal aid office have a staff attorney to take her case?
- The legal aid office has an attorney who can represent Nancy to appeal the denial of her unemployment benefits.

How does Nancy's story end?



- Legal aid agreed to represent Nancy to appeal the decision denying her unemployment benefits.
- Without her job and without unemployment benefits, Nancy could not pay her rent.
- Nancy and her daughter were evicted before her case was heard.
- Nancy won her appeal and got unemployment benefits. She used the benefits to get another apartment.

